

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

ANTHONY VINCENT CARTMAN,	::	MOTION TO VACATE
Movant,	::	28 U.S.C. § 2255
	::	
v.	::	CRIMINAL ACTION NO.
	::	1:10-CR-512-ELR-LTW-1
	::	
UNITED STATES OF AMERICA,	::	CIVIL ACTION NO.
Respondent.	::	1:16-CV-4511-ELR-LTW

**ORDER AND NON-FINAL REPORT AND RECOMMENDATION**

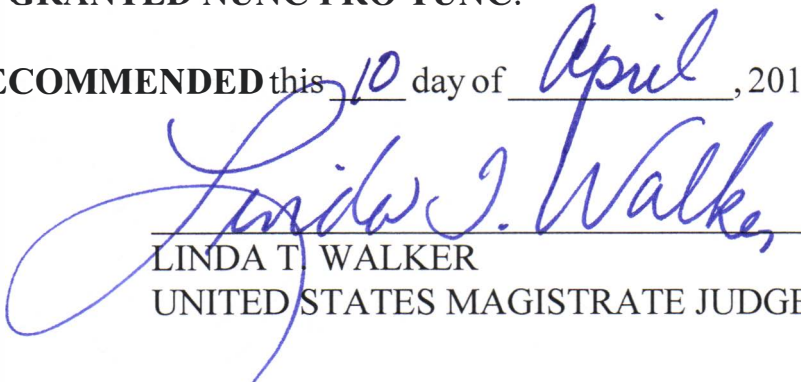
Movant, pro se, challenges his judgment of conviction under 28 U.S.C. § 2255. (Doc. 296 in 1:10-cr-512-ELR-LTW.) On December 13, 2016, the Court ordered Respondent to file a response to the § 2255 motion within forty-five days. (Doc. 293.) That deadline was January 27, 2017, and on that date Respondent filed a motion for an extension of time. (Doc. 296.) The Court granted that motion and ordered Respondent to file its response by March 31, 2017. (Doc. 297.) Respondent filed its response on March 30, 2017. (Doc. 301.) Respondent thus timely filed its response.

Movant filed two motions to compel judgment on the basis that Respondent did not timely file its response. (Docs. 298, 302.) Movant mailed the first motion on January 26, 2017, and erroneously stated that the deadline for Respondent's response was that day. (Doc. 298.) Movant mailed the second motion on March 31, 2017, and

erroneously stated that Respondent had not filed a response as of that date. (Doc. 302.) Because Movant's motions to compel judgment rely on erroneous facts, the undersigned **RECOMMENDS** that those motions [298, 302] be **DENIED**.

If Movant did not receive a copy of Respondent's response to his § 2255 motion, he shall notify the Court within ten (10) days of the date this Order and Non-Final Report and Recommendation is entered. Respondent's motion for excess pages in its response brief [300] is **GRANTED NUNC PRO TUNC**.

**SO ORDERED & RECOMMENDED** this 10 day of April, 2017.

  
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LINDA T. WALKER  
UNITED STATES MAGISTRATE JUDGE